

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN

**FILED**

AUG 2 2010

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_ DEPUTY CLERK

BRIAN WARD

**RECEIVED**

AUG 02 2010

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_ DEPUTY CLERK

PLAINTIFF,

COMPLAINT

V.

CIVIL ACTION NO. \_\_\_\_\_

THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

JURY TRIAL DEMAND

WARDEN JANICK

**A10CA574 LY**

WARDEN JOHNSON

DIRECTOR BRAD LIVINGSTON [SUBORDINATES IN THEIR OFFICIAL CAPACITIES]

DEFENDANTS

## I COMPLAINT

PLAINTIFF, BRIAN WARD #1057527, PRO SE, FOR THEIR COMPLAINT STATE AS FOLLOWS:

## II PARTIES, JURISDICTION AND VENUE

(1) PLAINTIFF BRIAN WARD #1057527 WAS CONFINED IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, LOCATED AT \_\_\_\_\_ IN THE CITY OF AUSTIN IN THE STATE OF TEXAS FROM ~~FEBRUARY~~ <sup>APRIL</sup> 8 2000 TO ~~MARCH~~ <sup>FEBRUARY</sup> 02, OF 2005. PLAINTIFF IS CURRENTLY CONFINED AT WILLIAM D. CLEMENTS 9601 S. RUSSELL AVE. AUSTIN, TX 78707-9606.

(2) PLAINTIFF BRIAN WARD #1057527 IS, AND WAS AT ALL TIMES MENTIONED HEREIN, AN ADULT CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE STATE OF TEXAS.

(3) DEFENDANT WARDEN JANICK WAS AT ALL TIMES RELEVANT HEREIN WARDEN OF TRAVIS STATE JAIL IN THE CITY OF AUSTIN

(4) DEFENDANT LIEUTENANT McPHERSON WAS AT ALL RELEVANT TIMES HEREIN THE LIEUTENANT OF THE TRAVIS STATE JAIL, WITH RESPONSIBILITY FOR OPERATING AND MAINTAINING DETENTION AND SECURITY OF THE STATE JAIL FACILITY WITHIN THE INSTITUTION IN THE CITY OF AUSTIN

(5) THIS ACTION ARISES UNDER AND IS BROUGHT PURSUANT TO 42 U.S.C. SECTION 1983 TO REMEDY THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS GUARANTEED BY THE

EIGHTH AND THE FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION. THIS COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO 28 U.S.C. SECTIONS 1331 AND 1343.

(6) PLAINTIFF CLAIM FOR DECLARATORY, INJUNCTIVE RELIEF ARE AUTHORIZED BY RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

(7) THIS CAUSE OF ACTION AROSE IN THE WESTERN DISTRICT OF TEXAS. THEREFORE, VENUE IS PROPER UNDER 28 U.S.C. SECTION 1391 (B).

### III PREVIOUS LAWSUITS BY PLAINTIFF

(8) PLAINTIFF HAS FILED CONSPIRACY TO INTERFERE<sup>1985</sup>, AND NEGLECTING TO PREVENT LAWSUITS<sup>1986</sup> DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO HIS IMPRISONMENT.

(9). THE LAWSUIT FILED IN THE NORTHERN / AND WESTERN DISTRICT CONTAINS WARDEN BLOW, WARDEN MENDOZA, WARDEN MORALES ALL APART OF THE LAWSUIT IN WHICH WAS IN ALL THERE BEST INTREST TO TRY TO CONSPIRE AND AVOID IN A GROUP THEORY OF ORGANIZED CRIME EXECUTING "INTERFERENCE" AS CASE # 2:09-CV-0246 IN THE NORTHERN DISTRICT AND CASE # 9A-10CA804-FB(NN) IN THE WESTERN DISTRICT ALL PENDING, THE LAWSUIT WAS FILED ON 06-21-2010 AND STILL PENDING.

### IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

THE PRISON LITIGATION REFORM ACT [SEE ACKNOWLEDGANCE]

### V. STATEMENT OF CLAIM

AT ALL TIMES RELEVANT HEREIN, DEFENDANTS WERE "PERSONS" FOR PURPOSES OF 42 U.S.C. § 1983 AND ACTED UNDER COLOR OF LAW TO DEPRIVE PLAINTIFF OF THEIR FEDERAL RIGHTS, AS SET FORTH FULLY BELOW.

### VI. STATEMENTS OF FACTS

(10) ON AUGUST 06 2001 I INMATE WARD WAS CLASSIFIED AND ASSIGNED A SECURITY LEVEL OF MINIMUM-IN AND ASSIGNED TO THE TRAVIS STATE JAIL UNIT IN AUSTIN TX, IN WHICH I WAS A L1 IN CURRENT EDUCATION BED AS WELL COGNITIVE INTERVENTION, AND A GRADUATE OF ANGER MANAGEMENT AND CURRENTLY UNDERGOING SELF-HELP AS WELL A CURRENT DORM JANITOR IN POSITION, WHEN INMATE WARD

WAS MENTALLY DISTRAUGHT AND A M.H.M.R. PATIENT THAT BECAME SUICIDAL, AT WHICH POINT ON AUGUST 02 2001 INMATE WARD WAS TRANSFERRED TO THE JESTER 4 UNIT A PSYCHIATRIC FACILITY IN WHICH PLAINTIFF IN THIS CASE WAS, TO RETURN BACK TO THE TRAVIS STATE JAIL UNIT OF ASSIGNMENT AS WITHOUT DUE PROCESS PLAINTIFF WAS PLACED ON A WRONGFUL TRANSIENT STATUS, AND PLACED IN ROUTE TO NOWHERE "LOST", AT THIS POINT PLAINTIFF WAS EXITED TRANSIENT WITHOUT DUE PROCESS AND ENTERED AND ACCEPTED AT THE WALLS UNIT WITHOUT DUE PROCESS AND HOUSED IN A MAXIMUM-SECURITY CELL Bx10 FROM DORMITORY IN WHICH PLAINTIFF WAS CLASSIFIED. IN WHICH VIOLATES PLAINTIFFS EIGHTH AND FOURTEENTH AMEND USING 42 U.S.C. § 1983 AND 28 U.S.C. § 1331 TO OBTAIN RELIEF FROM VIOLATIONS OF FEDERAL LAW

ON AUGUST 28<sup>TH</sup> 2001 I PLAINTIFF IN THIS CASE RETURNED TO THE TRAVIS STATE JAIL UNIT IN WHICH I WAS RETURNED TO A DORMITORY FROM BEING "LOST IN THE SYSTEM" IN WHICH I RECEIVED NO MEDICAL AND OR RE-EVALUATION, AFTER A COUPLE-DAYS INMATE WARD BECAME MENTALLY DISTRAUGHT AND AGAIN WAS P.H.D. AND UNDERWENT A USE OF FORCE FROM A LIEUTENANT MCPHERSON IN WHICH PLAINTIFF WAS GASED WITH CHEMICAL AGENTS AND TAKEN TO THE INFIRMARY IN A WHEEL-CHAIR IN WHICH PLAINTIFF WAS "TEARY EYED" AND CRYING FROM NEGLECT AND ABUSE AT THE TRAVIS STATE-JAIL UNIT IN WHICH WAS COSTING PLAINTIFF HIS PAROLE DATE, AT THIS POINT INMATE WARD SEEN A PHYSICIAN CHERRY WHO DIAGNOSED PLAINTIFF AS DISTRAUGHT TO EVERY WORD PLAINTIFF BEGINS TO CRY AND REQUEST "SOCIAL" AT WHICH POINT LIEUTENANT ATTEMPTED TO STAND PLAINTIFF "ROUGH-HOUSING" PLAINTIFF AND DROPPED PLAINTIFF ROUGHLY ON THE FLOOR "FRACTURING WARD'S ENTIRE SPINE" AS SGT GUSMA CAPTURED ON THE USE OF FORCE TAPE AFTER THE INCIDENT, OBTAINING WARD ON THE FLOOR CRYING AND HURT, AT WHICH POINT PLAINTIFF WAS PLACED ON A GURNY PAST MEDICAL AND PLACED ON A VAN IN ROUTE TO THE JESTER 4 UNIT HURT AND OF NO ADEQUATE MEDICAL AND OR HOSPITALIZATION, AT WHICH POINT UPON ARRIVAL AT THE JESTER 4 UNIT PLAINTIFF'S FRACTURED SPINE WAS IGNORED AND PLAINTIFF WAS PLACED IN A STEEL METAL CHAIR AND ROUGHLY BROUGHT INTO THE FACILITY BEING CALLED "A SNITCH", IN WHICH PLAINTIFF WAS PLACED IN A MENTAL

HEALTH CELL, AT WHICH POINT PLAINTIFF WAS TAKEN UPSTAIRS, AND DAYS LATER PLACED BACK ON TRANSIENT IN ROUTE TO "NOWHERE" LOST IN SYSTEM, IN WHICH WITHOUT DUE PROCESS PLAINTIFF ENTER AND EXITED TRANSIENT ON TO THE WALLS UNIT IN WHICH PLAINTIFF NEVER UNDERWENT DUE PROCESS TO ENTER THE UNIT AND LIVE IN A 8X10 CELL, AFTER FLOATING AT THE WALLS UNIT WITHOUT DUE PROCESS INMATE WARD WAS, MADE AVAILABLE TO SEE THE "LETHAL INJECTION BUNK" AS WELL AS THE "FLASHING LIGHTS" OF INMATES PENDING THE ELECTRIC CHAIR AND OR ELECTRICUTION, IN ALL PLAINTIFF WITHOUT DUE PROCESS WAS AROUND SERIOUS AND VIOLENT SECURITY AND INMATES, IN WHICH PLAINTIFF LOST FOLLOWED THE HERD TO A 50 TO 60 MAN SHOWERS AT ONE-TIME MEANWHILE NOT KNOWING ANY EMPLOYEE AND OR INMATE AROUND HIM NAME AND OR FACE, AT THIS TIME INMATE AND THE MASS OF UNKNOWN PRISONERS WAS IN ROUTE TO A CELL INMATE WARD WAS NOT PROPERLY ASSIGNED WHEN AN CORRECTIONAL OFFICER . WHITTAKER LUNGED AMONGST THE CROWD AND SWUNG STRIKING PLAINTIFF OUT THE CROWD OF INMATES AT THE WALLS UNIT COURTYARD, IN WHICH PLAINTIFF NOT KNOWING ANY OF THE EMPLOYEES OR INMATES WAS DRUG INTO THE MEDICAL BUILDING AND IGNORED DURING REQUEST OF MEDICAL AND OR HIS PROPER MEDICAL UNITS STAFF, AS INSTANTLY PLAINTIFF WITHOUT DUE PROCESS [PROPER] WAS TAKEN TO THE AD-SEG BUILDING AND PLACED IN A SOLITARY CELL IN A DISTRICT AND UNIT PLAINTIFF WASNT ASSIGNED, AT THIS POINT PLAINTIFF WAS PLACED FOR 30 TO 45 DAYS "LOST" AND IN A SOLITARY CELL WITHOUT A HEARING AND OR BEING SERVED, "WITHOUT DUE PROCESS", AT THIS POINT INMATE WAS PLACED BACK ON TRANSIENT EXITING WALLS UNIT WITHOUT DUE PROCESS AND RETURNED TO THE TRAVIS STATE JAIL, AND PLACED IN P.H.D. OR SOLITARY WITHOUT DUE PROCESS, THEN RELEASED AT WHICH PLAINTIFF SIT DOWN IN FRONT OF MEDICAL REQUESTING MEDICAL AND AN EXPLANATION OF WHAT JUST HAPPENED, ALL ENTERING AND EXITING TRAVIS STATE JAIL WITHOUT DUE PROCESS. MEANWHILE PLAINTIFF ON THE VERGE OF A HEART-ATTACK WAS CARRIED INTO THE CAPTAINS OFFICE ANDERSON, IN WHICH THE CAPTAIN AND A CORRECTIONAL OFFICER LOCKHART BEGIN TO INTERROGATE PLAINTIFF, AT THAT POINT



WITHOUT DUE PROCESS PLAINTIFF WAS PLACED BACK INTO SOLITARY, THE NEXT MORNING  
 WITHOUT DUE PROCESS PLAINTIFF WAS TAKEN HURRIEDLY FROM SOLITARY WITHOUT DUE  
 PROCESS AND PLACED ON TRANSIENT WITHOUT DUE PROCESS OF IMPRISONMENT, AT THIS  
 POINT PLAINTIFF WAS TOURING UNIT OF ASSIGNMENTS, AND LANDED AT THE BYRD  
 UNIT AND ENTERED WITHOUT DUE PROCESS OF IMPRISONMENT "BEHAVIOR DISCIPLINARY"  
 AS WITHOUT DUE PROCESS AGAIN PLACED IN A POPULATION OF BYRD UNIT, IN WHICH  
 PLAINTIFF INSTEAD OF EDUCATION, AND CURRENT CLASS STANDINGS WAS INSTEAD IN  
 A DISTRICT AND UNIT OF ASSIGNMENT THAT I WASN'T ASSIGNED WITHOUT DUE PROCESS  
 A BYRD AND NO MOVEMENT EXCEPT TO FEEDING, AT THIS POINT WITHOUT DUE PROCESS  
 PLAINTIFF WAS AGAIN ABG-SEGGED WITHOUT DUE PROCESS, AFTER A COUPLE OF DAYS  
 A CAPTAIN I WASN'T ASSIGNED TO WITHOUT DUE PROCESS CALLED ME TO A HEARING IN  
 WHICH I WAS SET ASIDE, THEN EJECTED WITHOUT A FINAL DECISION AND PLACED BACK  
 IN ADSEG WITHOUT DUE PROCESS, AT WHICH POINT PLAINTIFF DAYS LATER RECEIVED  
 A PRINT OUT OF A ANGRIM 45, 45, 45, 45 WITHOUT DUE PROCESS OF A HEARING, IN  
 WHICH A DAY LATER WARD WAS EJECTED FROM ADSEG AND PLACED BACK INTO BYRD  
 UNIT POPULATION AND NOTIFIED OF "RACIAL RIOT", AND THAT WAS IN ROUTE BACK  
 TO TRAVIS STATE JAIL AND THAT I NEEDED TO WRITE, AT THIS POINT WITHOUT DUE PROCESS  
 PLAINTIFF WAS PLACED BACK ON TRANSIENT AND TAKEN TO ANOTHER UNIT CORRE LOCATED  
 IN A JURISDICTION PLAINTIFF HAD NO AUTHORIZATION TO BE IN WITHOUT DUE PROCESS OF  
 IMPRISONMENT, AGAIN PLAINTIFF WITHOUT DUE PROCESS WAS ENTER INTO THE CORRE UNIT  
 AND PLACED IN A BYRD, DEPRIVED OF EDUCATION AND HIS PROPER STANDING IN ORDER TO  
 MAKE PAROLE, AT THIS POINT WITHOUT DUE PROCESS WAS PLACED BACK ON TRANSIENT IN  
 ROUTE TO A BIB-LEWIS UNIT WHICH OBTAINED WITHOUT DUE PROCESS, AND PLACED BACK  
 ON TRANSIENT STILL "LOST IN SYSTEM" WITHOUT ANY HUGGINS AND OR PROPERTY, AFTER DAYS  
 PLAINTIFF WAS PLACED ON BIB-LEWIS WITHOUT DUE PROCESS "PROPER" AND WAS PLACED  
 IN A MEDIUM SECURITY CELL, AFTER TIME PAST AGAIN WITHOUT DUE PROCESS PLAINTIFF  
 WAS PLACED IN SOLITARY CONFINEMENT WITHOUT DUE PROCESS, AND RETRIEVED BOOKS

INFRACCTIONS IN WHICH WITHOUT "PROPER" DUE PROCESS WAS TRANSFERRED TO CIB LEWIS HIGH-SECURITY, AFTER SEVERAL MONTHS OF BEING ASSAULT AND BATTERED BY INMATES AND PRISON GUARDS, AND OBSERVING "COERCION" INSTEAD OF TRANSFER BACK TO INMATES PROPER UNIT OF ASSIGNMENT "TRAVIS STATE JAIL" PLAINTIFF WITHOUT DUE PROCESS WAS TRANSFERRED TO AN ASSAULTIVE/VIOLENT BEHAVIOR UNIT JOHN B CONNAIN IN WHICH WITHOUT "PROPER" DUE PROCESS PLAINTIFF WAS PLACED ON UNIT AND IN CLOSED-CUSTODY IN A JURISDICTION AND ON A UNIT PLAINTIFF WAS NOT PROPERLY ASSIGNED WITHOUT DUE PROCESS, AFTER MONTHS ON UNIT WITHOUT DUE PROCESS PLAINTIFF WAS AB-56600 [27 YEARS UP UNTIL FEBURARY 02, 2005 IN WHICH VIOLATED PLAINTIFFS EIGHTH AND FOURTEENTH AMEND USING 42 U.S.C. § 1983 AND 28 U.S.C. § 1331 TO OBTAIN RELIEF FROM VIOLATIONS OF FEDERAL LAW. - SEE WARDENS INVOLVED JANIEK, BENNETT, HAMBURGER, OTTS, HEIGHTS, MENDOZA, MORALES, CHEARI. . .

## VII. PRAYER FOR RELIEF

(11) PLAINTIFF REQUEST AN ORDER DECLARING THAT THE DEFENDANTS HAVE ACTED IN VIOLATION OF THE UNITED STATES CONSTITUTION.

(12) PLAINTIFF REQUEST AN INJUNCTION [PERMANENT] COMPELLING DEFENDANTS TO PROVIDE OR STOP STEMPEDING PLAINTIFF, AND "INTERFERING" WITH HIS EFFORT AT SUITE, AND FABRICATING RECORDS. .

(13) PLAINTIFF REQUESTS \$ 216,000,000.00 AS COMPENSATORY DAMAGES

SIGNED THIS 28 DAY OF JULY, 2010

BRIAN WARD #1057527/1426930 <sup>NEW</sup>

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

BRIAN WARD #1057527

PLAINTIFFS NAME

DATE: JULY 28, 2010